

## **REMARKS**

Claims 1-4 and 6-7 are currently pending in the application. Claims 1-4 and 7 are rejected. Claim 6 is objected to as being dependent upon a rejected base claim. Claims 8-12 and 14-20 have been cancelled.

Applicants acknowledge and appreciate the Examiner's allowance of the subject matter in claim 6 of the instant application.

In this Response, Applicants have cancelled claims 8-20 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 8-20 is not patentable. Claims 8-20 were cancelled in this Response solely to facilitate expeditious prosecution of the remaining claims. Applicants respectfully reserve the right to pursue additional claims, including the subject matter encompassed by claims 8-20, as presented prior to this Response in one or more continuing applications.

The Examiner's objections and rejections are addressed below.

### **35 USC §102 Rejection**

Claims 1-5 and 7 are rejected under 35 U.S.C. 102(e) as being unpatentable by U.S. Patent No. 7,061,913 (*Abrol*). Applicants respectfully traverse this rejection.

For ease of discussion, claim 1 is discussed first. Claim 1, directed to a method, describes (1) receiving a data packet, (2) determining if the data packet is a next expected data packet, (3) determining if packet reordering occurred prior to receiving the data packet and (4) delaying transmission of an acknowledgement indicating that a data packet is missing in response to determining that the data packet is not the next expected data packet and in response to determining that the packet reordering occurred.

The Examiner's rejection fails because *Abrol* does not teach one or more of the claimed features. For instance, the cited reference at least does not teach determining if packet reordering

occurred prior to receiving the data packet. As explained in an exemplary embodiment described in the Patent Application, the ability to enter into “packet reordering mode” based upon a determination that packet reordering has previously occurred, allows the packet receiver distinguish between packet reordering and mere packet loss. *See* Application, p. 13, line 19 to p.14, line 4. By making this distinction, the packet receiver avoids unnecessary delay in processing acknowledgments if no actual packet reordering has taken place (*e.g.*, if the data packets are simply lost and not delayed).

Unlike the instant Application, *Arbol* describes a system which, according to the Examiner, is “always set in ‘packet reordering’ mode.” *See* Final Office Action, p.2-3. In particular, *Arbol* teaches that *whenever* a new frame is received, the sequence number is calculated and compared to L\_V(R). *See Arbol*, Fig. 5-502, col. 12, ll. 4-30. *Arbol* describes a method in which an acknowledgement is delayed based upon the ordering sequence of the **current** data packet, not a data packet received prior to the current packet. *See id.* at col. 5, ll. 61-67 (stating that the transmission of a NAK for a delayed frame is withheld based on a received out-of-order frame). As such, while *Arbol* teaches a method for delaying acknowledgements based upon receiving an out-of-order frame, *Arbol* does not describe determining if packet reordering occurred prior to receiving the data packet (*i.e.*, the out-of-order frame), as taught in claim 1 of the instant Application. Indeed, the Examiner’s admission that *Arbol* is “always set in ‘packet reordering’ mode” (*See* Final Office Action, p.2-3) reinforces the Applicant’s point that that *Arbol* does not teach or suggest determining if packet reordering previously occurred. This is because there is no need to determine the presence of prior reordering if the system, such as the system in *Arbol*, is “always set in ‘packet reordering’ mode.”

Moreover, *Arbol* at least fails to teach the claimed feature of delaying transmission of an acknowledgement indicating that a data packet is missing in response to determining that the packet reordering occurred. The term “packet reordering” refers to the “prior” packet ordering by virtue of its antecedent basis (see earlier claimed feature of determining if packet reordering occurred prior to receiving the data packet). Clearly, as set out in the arguments above, *Arbol* teaches that an acknowledgement is delayed based upon the ordering sequence of the current data packet, and not based on determining if packet reordering occurred prior to receiving the current data packet. See *Arbol*, col. 5, ll. 61-67. As such, *Arbol* does not and cannot teach delaying transmission of an acknowledgement in response to determining that the packet reordering occurred previously.

Applicants respectfully assert that in light of the above-stated reasons, all claims of the present application are now allowable and, therefore, request that a Notice of Allowance be issued. Reconsideration of the present application is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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/Ruben S. Bains/  
Ruben S. Bains  
Reg. No. 46,532  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
(713) 934-4064  
(713) 934-7011 (facsimile)  
ATTORNEY FOR APPLICANTS